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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11	Voice International Inc., et al.,	} No. CV 15-8830-JAK (KSx)
12	Plaintiff,	
13	v.	
14	Oppenheimer Cine Rentals, LLC, et	
15	al.,	
16	Defendants.	} Order Setting Settlement Conference
17		}

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19 A settlement conference will be held before the Court in Courtroom 580,  
20 5<sup>th</sup> floor of the United States Courthouse, 255 East Temple Street, Los  
21 Angeles, California, on **Tuesday, April 17, 2018 at 1:00 p.m.** The Court  
22 believes that consideration of settlement is a serious matter that requires  
23 thorough preparation before the settlement conference. Set forth below are the  
24 procedures the Court will require the parties to follow and the procedures the  
25 Court will typically employ in conducting the conference:

26 **1. Attendance of Parties Required.** Parties with full and complete  
27 settlement authority are required to personally attend the conference, together  
28 with trial counsel for each party. A corporate party shall send a representative

1 with full and complete authority to make settlement decisions. Defendant's  
2 representative must have final settlement authority to commit Defendant to  
3 pay, in the representative's sole discretion, a settlement amount recommended  
4 by the settlement judge up to Plaintiff's prayer (excluding punitive damage  
5 prayers), or up to Plaintiff's last demand made prior to the settlement  
6 conference, whichever is lower. If the settlement decision will be made in  
7 whole or in party by an insurer, the insurer shall send a representative with full  
8 and complete authority to make settlement decisions. Failure to produce the  
9 appropriate person(s) at the conference and/or failure to participate in good  
10 faith may result in an award of costs and attorney's fees incurred by the other  
11 parties in connection with the conference and/or other sanctions against the  
12 noncomplying party and/or counsel.<sup>1</sup>

13       **2. Pre-Conference Settlement Offers.** In order to provide the parties  
14 with a starting point for their settlement discussions with the Magistrate Judge,  
15 Plaintiff shall advise Defendants of the terms upon which Plaintiff is prepared  
16 to settle the case, in a letter delivered or faxed no later than fourteen (14) court  
17 days prior to the Settlement Conference. Within seventy-two (72) hours of  
18 receipt of Plaintiff's settlement offer, Defendants shall respond to the same by  
19 letter advising Plaintiff of the terms upon which such Defendants are prepared  
20 to settle the case. The Court expects the parties to exchange good faith  
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22       <sup>1</sup> When a person whose personal attendance would otherwise be  
23 required pursuant to the foregoing paragraphs resides outside Los Angeles  
24 County, the Court will consider excusing the personal attendance of such  
25 person, so long as such person can and will be available by telephone during  
26 the entire settlement conference. If a party desires to avail itself of this excuse  
27 from personal attendance, counsel should so request in such party's Settlement  
28 Conference Statement. After the party's Settlement Conference Statement is  
submitted, counsel should contact the Court's courtroom deputy clerk to  
ascertain whether the request has been granted.

1 settlement offers.

2       3.     **Settlement Conference Statement.** At least five (5) court days  
3 before the settlement conference, each party shall submit a Settlement  
4 Conference Statement to the Magistrate Judge. The parties shall exchange the  
5 Statements on the same date. These Statements shall not become a part of the  
6 file of the case, but shall be for the use of the Magistrate Judge in preparing for  
7 and conducting the settlement conference. Settlement Conference Statements  
8 should be delivered to the Court by fax to (213) 894-3924 or directly to  
9 chambers in Room 8100 of the Roybal Courthouse. The Statements may be in  
10 letter format and shall be concise, not to exceed ten (10) pages in length. The  
11 parties' respective Statements should address:

12           A.     A brief statement of the facts of the case, and of the claims  
13 and defenses remaining to be tried, including the statutory or other  
14 grounds upon which the claims are founded. This statement should  
15 identify the major factual and legal issues in dispute and cite any  
16 controlling authorities.

17           B.     An itemized statement of the damages claimed and of any  
18 other relief sought.

19           C.     A summary of the proceedings to date, including any case  
20 management dates/deadlines already set by the District Judge.

21           D.     A history of past settlement discussions, offers and demands,  
22 including the most recent settlement offers exchanged pursuant to ¶ 2  
23 above. A copy of such party's letter sent pursuant to ¶ 2 above should be  
24 attached to such party's Settlement Conference Statement.

25       4.     **Confidential Addendum.** Each party shall also prepare a  
26 Confidential Addendum to Settlement Conference Statement, which shall be  
27 delivered (or faxed) directly to the Magistrate Judge only, simultaneously with  
28 the Settlement Conference Statement. The Confidential Addendum shall not

1 be filed with the Court or served upon the other parties. The Confidential  
2 Addendum may also be in letter format and shall not exceed five (5) pages in  
3 length. The Confidential Addendum shall contain:

4           A.    A forthright evaluation of the party's likelihood of prevailing  
5           on each of its claims and/or defenses.

6           B.    The approximate amount of attorney's fees, time and costs  
7           expended to date, and an estimate of the fees, time and costs to be  
8           expended for (i) further discovery, (ii) pretrial and (iii) trial.

9           C.    The party's evaluation of the terms on which the other side  
10          is prepared to settle the case.

11          D.    The party's evaluation of the terms on which the case could  
12          be settled fairly, taking into account the litigation position and settlement  
13          position of the other side.

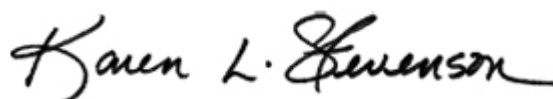
14          5.    **Format.** The Court will generally use a mediation format, that is,  
15          a joint session with an opening presentation by the Court and each side  
16          followed by private caucuses. Each party should be prepared to make a mini-  
17          opening statement of five (5) minutes during the initial joint session. This  
18          presentation should not be in the form of a closing argument or argument on a  
19          motion for summary judgment. The purpose of the presentation is to inform  
20          the Court and the other participants of the basis for the last offer or demand  
21          and to provide a framework for the settlement discussions.

22          If any party believes that the above-described format would be counter-  
23          productive to the goals of the Settlement Conference, the party may explain  
24          the reasons for such belief in the Confidential Addendum.

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1           **6. Conference Preparation.** The Court may, in its discretion,  
2 contact the parties after review of the Statements and Confidential Addenda to  
3 arrange a pre-settlement conference telephone call with counsel. The Court  
4 may ask the parties to submit addenda to their statements during this telephone  
5 conference.

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7 Dated: March 14, 2018

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10 KAREN L. STEVENSON  
11 United States Magistrate Judge  
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